IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 367 of 2007 (M/S)

1. Inderjeet Singh, S/O Harcharan Singh, R/O 39, Rajendar Nagar, Dehradun.
2. Komal Bir Singh, S/O Harcharan Singh, R/O 39, Rajendar Nagar, Dehradun.

…… Petitioners.

Versus

1. Civil Judge, Senior Division, Dehradun.
2. M/s Doon Institute of Information Technology Pvt. Ltd., 101 A, Rajpur Road, Dehradun.
3. M/s Doon Institute of Information Technology Pvt. Ltd. through its Director Mr. Alok Tandan, S/O Brig. (Retd.) N.B.Tandan, R/O 4, Pritam Road, Dehradun.

… Respondents.

Sri Alok Singh, Senior Advocate, assisted by Sri Gajendra Tripathi, learned counsel for the petitioners.
Sri Gopal Narain Srivastava, Brief Holder for the State respondent No.1.

Dated May 01, 2007.

Hon'ble B.S. Verma, J.

The petitioners have filed the present writ petition for quashing the impugned judgment/Order dated 23-04-2007 passed by the respondent no.1 and further directing the respondent no.1 to decide the petitioners' application under Order 12, Rule 6 C.P.C. forthwith, moved in Original Suit No. 270 of 2006.

Relevant facts giving rise to the present writ petition are that the petitioners filed Original Suit No. 270 of 2006 on 13-07-2006 against the respondent nos. 2 and 3 for eviction and for recovery of mesne profits before the respondent no.1. Both the defendants-respondent nos. 2 and 3 filed their written statement in the suit on 16-1-2007 and admitted monthly tenancy of the disputed premises @ Rs. 41,990/- per month. Subsequently, the plaintiff-petitioners moved an application under Order 12, Rule 6 read with Section 151 of the Civil Procedure Code on 23-4-2007. The trial court fixed 21-5-2007 for objection/disposal of the said application. Hence the petitioners have come up in the present writ petition.

In the course of arguments, learned counsel for the petitioners submitted that the interest of justice would be subserved if a direction is given to the trial court to decide the application under Order 12, Rule 6 C.P.C. moved by the plaintiffs within a time frame and the writ petition be disposed of finally today. The prayer is innocuous.

In the circumstances of the case, the Civil Judge (Senior Division) Dehradun is directed to decide the application moved by the plaintiff under Order 12, Rule 6 read with Section 151 C.P.C. in Original Suit No. 270 of 2006 Inderjeet Singh Vs. M/s Doon Institute of Information Technology and another, on merit after hearing both the parties expeditiously, in accordance with law, preferably within a period of eight weeks from the date of production of certified copy of this Order. Both the parties shall co-operate before the trial court in the speedy disposal of the said application.

With the above direction, the writ petition is disposed of finally.

All the applications stand disposed of.

(B.S. Verma, J.)

RCP